



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

W

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,520	05/31/2000	Claude M. Leglise	INTL-0391-US (P8805)	1973
7590	01/25/2006		EXAMINER	RETTA, YEHDEGA
Timothy N Trop Trop Pruner & Hu PC Suite 100 8554 Katy Freeway Houston, TX 77024			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/584,520	LEGLISE ET AL.	
	Examiner	Art Unit	
	Yehdega Retta	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 39-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 39-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed November 14, 2005. Applicant canceled claims 1-36 and added new claims 39-65. Claims 39-65 are currently pending.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino

acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification is missing (g) BRIEF SUMMARY OF THE INVENTION. Correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 45, 47 and 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 45 and 47, the specification does not teach preventing use of the system from a remote location and preventing use each time a different user signs on the system. The specification teaches an interface 20 may pose a request to a particular user who responds by entering his or her name, for example by mouse clicking on an appropriate icon 26, the service provider may already be aware of the family members of a particular family ... it may be useful, in each case, to know which particular family member is logging on the system 10 (page 8). Therefore, according to applicant's disclosure different users sign on the system.

Regarding claim 57, the specification does not teach storing instructions that when executed cause to receive instruction from the service provider to prevent the use of the machine that is unrelated to said retail vendor. The specification teaches the user accessing the Internet, which indicates that the system is used for unrelated retail vendor.

Claims 39, 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 39, the claim recites, “in response to the display of a last provided graphical user interface, allowing use of the said processor-based system, otherwise preventing a use, other than a use associated with said provided graphical user interface”. If the system provided the last graphical user interface and the last graphical user interface is to allow the use of the system which indicates that there is no more user interface provided, it is unclear if the user can further use the system. It is unclear what applicant’s invention is. It is also unclear how the user accesses the Internet if the Internet Service provider only indicates a particular retailer vendor without an indicator of another, unrelated retail vendor. Is this means that when user accesses the Internet he/she is only provided with that particular vendor information only, no other information is provided to the user. According to applicant’s specification the invention is for service provider (ISP) to provide Internet service to customer on behalf of the retail vendor, and access to the Internet provides information on other vendor, which are accessible via the Internet.

Regarding claim 45, the claim recites, wherein preventing use of said processor-based system includes preventing said user from a remote location. It is unclear how the processor – based system (computer terminal) is used from a remote location and how the user is prevented from using the system from the remote location.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZipLink's Virtual Internet Service Provider (ISP) Program Provides complete Turnkey Outsourcing Option PR Newswire; New York; Nov 4, 1999 (hereinafter ZipLink). as applied to claim above, and further in view of Official Notice.

Applicant's invention as disclosed in the specification is for service provider (ISP) to provide Internet service to customer on behalf of the retail vendor. The specification states in return for those services the customer is requested to first receive content related to the products or services of the retail vendor before accessing the Internet services from the services provider, thus the service provider provide a series of graphical user interface which include content related to the retail vendor such as advertisement and in addition obtains information from the customer to further customize the options made available to the customer. The specification

further discloses that the retail vendor is afforded a preferred link to an individual customer (see pp. 3 line 18 to pp. 4 line 18).

Regarding claims 39, 40, 42, 44, 47, 51, 52, 54, 56, 59 and 62 Ziplink teaches providing private-branded Internet connectivity, which enables e-businesses, affinity groups and web-centric organizations, etc. to become Virtual ISPs, which implies that customers obtaining Internet service through the vendor see a graphical interface from the vendor not from Ziplink. Ziplink teaches “(w)ith the rollout of the Ziplink's Virtual ISP Program, the Company (vendors) now offers a full suite of customer care management services” including; custom sign-up, activation and authentication; customer support; billing and collection, branded CD, e-mail and news service, etc. Ziplink teaches coupled with Ziplink's national dial-up and Digital Subscriber Line (DSL) Internet connectivity, these new value-added services comprise a complete ISP outsourcing option. Ziplink teaches by using the system customers (vendors) avoid the tremendous investment of building and maintaining a national network and the cost of staffing a customer care operation center (see page 1). Official Notice is taken that is old and well known in the art of Internet connection for Internet Service providers to provide graphical interfaces, for different users to log-in, (to enable identification of each user that is actively logging on the system, with different screen names). It is also known for operating system, such as Windows, to provide different login (authentication) system to provide access to different user to use a system in order to provide privacy and security for each user. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Ziplink to provide the service using an operating system that provides different graphical user interface necessary to access the user system using different password for the intended use of providing security and privacy, and after

a user is identified to provide an interface to access the vendor web site, provided by the service provider, since Ziplink provides a full Internet Service on behalf of a vendor (dedicated to the purpose of said particular retail vendor).

Regarding claims 41, 43, 53, 55 and 65, Ziplink does not teach receiving preference of one or more users of said processor-based system and to customize the page based on the preference. However it is well known in the art of Internet marketing to monitor user's browsing and shopping history and to store the profile or preference of customer. It is also well known to provide a customized page after the user has been identified. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive user preference for the intended use of providing personalized service to customers.

Regarding claim 45, Ziplink teaches providing authentication. Providing a log-in system prevents users without the proper passwords to access the system (authentication).

Regarding claims 46 and 58, Official Notice is taken that is old and well known to provide advertisement based someone else's preference. It is well known recipients of an electronic mail to receive advertisement based on the sender preference. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for advertisers of Ziplink's system to include advertisement on emails based on the sender's profile or preference if the sender is the participant e.g., in a free email service.

Regarding claims 48 and 60, Official notice is taken that is old and well known in the art computer for the operating system to provide an icon indicating the service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to know

that Ziplink's system would provide such interface in order to provide a shortcut to the site that provides the service.

Regarding claims 49 and 61, Official notice is taken that is old and well known in the art of remote access to receive instruction from a server to control the addition of software and hardware on the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for one to know that Ziplink would provide user instruction on how to load compatible software and hardware in order for the system to work properly.

Regarding claim 50, Official notice is taken that is old and well known to provide e-commerce with vendors. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Ziplink to direct user to obtain a product or service from the particular vendor for the intended use of providing the vendor an e-commerce opportunity.

Regarding claim 57, Since Ziplink teaches that the Internet service is provided on behalf of the vendor, it would have been obvious to one of ordinary skill in the art at the time of the invention for Ziplink to provide information only related to the vendor, since the vendor is paying for the service.

Regarding claim 63, Ziplink does not teach a system including a unitary housing to house processor, display and a telephone. However official notice is taken that is old and well known to make separate parts as an integral of one piece. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the telephone as integral part of the computer terminal in order to make the terminal easy to transport.

Regarding claim 64, official notice is taken that is old and well known in the art of computers that a dedicated port is a readily available component of today's computer terminals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to know that Ziplink would provide service through a dedicated port.

Response to Arguments

Applicant's arguments with respect to claims 39-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR


RETTA YEHDEGA
PRIMARY EXAMINER